

REMARKS

In the Office Action mailed March 19, 2009 the Office noted that claims 20-38 were pending and rejected claims 20-38. Claims 28, 29, 32, 34, 35, 37 and 38 have been amended, claims 20-27, 30, 31, 33 and 36 have been canceled, claim 39 is new, and, thus, in view of the foregoing claims 28, 29, 32, 34, 35 and 37-39 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

FORMALITIES

The Applicants respectfully request that the Office change the attorney docket number in any further correspondence to **8089-1001**.

REJECTIONS under 35 U.S.C. § 102

Claims 20-25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Hiramatsu, U.S. Patent No. 6,832,081. The Applicants respectfully disagree and traverse the rejection with an argument.

Claims 20-25 have been cancelled.

Claims 26 and 27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Mages, U.S. Patent Publication No. 2005/0070232. The Applicants respectfully disagree and traverse the rejection with an argument.

Claims 26 and 27 have been cancelled.

Withdrawal of the rejection is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 28-38 stand rejected under 35 U.S.C. § 103(a) as being obvious over Hiramatsu in view of Mages. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

The Applicant has amended claim 28 to include features found, in claims 26, 30, 31, 33 and 35. The Applicants submit that no new matter is believed to have been added by amendment of claim 28.

On pages 6 and 7 of the Office Action, with regards to claims 30 as amended into claim 28, it is asserted that Hiramatsu discloses "said server side transmitting and receiving means and said client side transmitting and receiving means perform direct transmission and reception therebetween by means of a millimeter-wave transmission."

Thus in the claim, the server and the client can perform millimeter wave transmission and reception without intermediate any additional server or base station, and large volume of data is directly sent by millimeter-wave from the server to the client, as shown in FIG. 18 of the Specification.

On the other hand, neither Hiramatsu nor Mages fails to disclose or suggest a construction that the server side

transmitting and receiving means and the client side transmitting and receiving means can perform millimeter-wave transmission and reception without intermediate any additional server or base station. More specifically, Hiramatsu teaches a millimeter-wave band transmitting/receiving apparatus to be used in a radar system, not a millimeter-wave band download system, as shown in FIGS. 9, 10 17 and 18 of the reference. It is therefore apparent that Hiramatsu is not intended to teach a construction wherein a server and a client can perform direct transmission. Meanwhile, Mages teaches a system wherein the client can download information; however, the client of the system is aimed to obtain data from a network, not directly from the server, as shown in FIGS. 8 and 10 of the reference. Accordingly, it is apparent, that Mages is not intended to teach that a server and client can perform direct transmission.

Moreover, a millimeter-wave band download system would have some problems where the download system is constructed in a manner similar to the lower frequency band download system. However, neither Hiramatsu nor Mages teaches or suggests a millimeter-wave band download system that has a construction capable of avoiding such problems.

More specifically, a millimeter-wave band download system generally requires expensive amplifiers and oscillators that can function in a millimeter-wave band to realize high-frequency wireless transmission. This requirement is completely

different from the requirement of a lower frequency band download system such as a microwave band download system. This is because the lower frequency band download system can be constructed by merely mounting well known cheaper transceivers. Therefore, it is important for a download system to have a smaller number of expensive amplifiers and oscillators under the condition that the download system is designed to function in a millimeter-wave range to ensure that the manufacturing cost can be lowered while the download system can deal with a larger volume content,

Claim 28 has further been amended to recite "a server side memory **directly connected to said server side transmitting and receiving means and** having DRAM or HDD for storing large-capacity data in **said server side memory.**" (Emphasis added) Support for the amendment may be found, for example, in cancelled claim 26.

The download system defined in amended claim 28 is constructed such that the server side memory is directly connected to the server side transmitting and receiving means.

This construction makes it possible to send a large volume content from the server to the client without having a millimeter-wave band amplifier and an oscillator between the server side memory and the server side transmitting and receiving means.

On the other hand, both Hiramatsu and Mages fail to teach or suggest a millimeter-wave band download system

constructed such that the server side transmitting and receiving means is directly connected to the server side memory despite the fact that the above mentioned features in order to reduce the number of amplifiers and oscillators of the download system.

Furthermore, the fact that the download system defined in amended claim 28 is partly constructed by the NPD guide circuit can contribute to reduce the number of millimeter-wave band amplifiers or contribute to use a lower power millimeter-wave band amplifier. This is because the NPD guide can achieve low transmission loss in a high frequency band such as millimeter-wave band, while general transmission line tend to have a higher transmission loss as the frequency becomes higher.

Therefore, the download system can have a fewer number of amplifiers or oscillators, and can use a lower power amplifier or oscillator to thither reduce the cost of the download system.

On the other hand, though Hiramatsu teaches a transceiver having an NRD guide circuit, neither Hiramatsu nor Mages teaches or suggests that a "server" should be made by an NPD guide circuit. This comes from the fact that neither of the two inventions disclosed in the references is intended to establish a download server with a simple construction to ensure the large volume and low cost download system.

Therefore, the fact that the millimeter-wave transceiver and the microwave-communication system were disclosed by the references at the time when this invention was made does

not lead to the fact that one of ordinary skill in the art could easily modify these two inventions to realize the millimeter-wave download system, by the reason that modifying the teachings of the system as taught by Hiramatsu to incorporate the system as taught by Mages does not achieve the construction and advantages of this present claims.

It will, therefore, be apparent from the foregoing description that the download system defined in amended claim 28 is completely different in construction and advantages from the teachings of Hiramatsu and Mages.

Therefore, for at least the reasons discussed above, Hiramatsu and Mages, taken separately or in combination, fail to render obvious the features of claim 28 and the claims dependent therefrom.

Withdrawal of the rejection is respectfully requested.

NEW CLAIM

Claim 39 is new. Support for claim 39 may be found, for example, page 20, paragraph 61; page 21, paragraph 62; and in Figure 18. The prior art of record fails to disclose "said download memory is constituted by a portable download memory capable of being directly connected to said client side transmitting and receiving means."

CONCLUSION

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 102 and 103. It is also submitted that claims 28, 29, 32, 34, 35 and 37-39 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/James J. Livingston, Jr./

James J. Livingston, Jr.
Reg. No. 55,394

209 Madison St, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

JJL/dp